IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 24789 of 1998

Between:

T.Ravi, S/o.Kistaiah,

Age 31 years, Attender,

Sri Raja Rajeswara Swamy Devesthanam,

Vemulawada, Karimnagar District.

..... PETITIONER

AND

1. The Commissioner,

Endowments Department,

Andhra Pradesh, Tilak Road,

Hyderabad.

2. The Executive Officer,

Sri Raja Rajeswara Swamy

Devasthanam, Vemulavada,

Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in issuing proceedings Rc.No.A2/1903/97 dt.28-8-98 terminating the services of the petitioner as attender as illegal, arbitrary, improper, contrary to various G.Os issued by the Government, violative of principles of natural justice and set aside the same by directing the respondents to regularize the services of the petitioner as attender in the respondent temple and pay all the consequential benefits from the date of his initial appointment and pass such other order or orders as this Hon'ble Court may deem fit proper and necessary in the circumstances of the case.

Counsel for the Petitioner: MR.P.SAI NATH

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following :

ORDER

This writ petition is directed against the proceedings No.R.C.No.A2/1903/97 dated 28-08-1998 of the second respondent, terminating the services of the petitioner.

According to the petitioner, his father worked as an Attender in Sri Raja Rajeswara Swamy Devasthanam, Vemulavada for 25 years and retired voluntarily on medical grounds. Pursuant to the representation filed by the petitioner's father, the second respondent issued proceedings No.Rc.A2/1798/92 dated 02-02-1993 permitting him to retire on medical grounds and the petitioner was appointed on compassionate grounds subject to ratification by the Commissioner of Endowments. The petitioner has been discharging his duties to the utmost satisfaction of the superiors. While so, the first respondent issued proceedings dated 18-07-1998 informing the second respondent that the appointment of the petitioner as an Attender was not ratified on medical invalidation grounds, as the appointment was made against the Government orders. Therefore, the second respondent issued the impugned proceedings dated 28-08-1998 terminating the services of the petitioner.

It is the contention of the petitioner that the second respondent is the competent authority to issue appointment orders and he was appointed as an Attender pursuant to the various G.Os., issued by the Government from time to time. Therefore, the

termination order passed by the second respondent pursuant to the letter issued by the first respondent dated 18-07-1998 is illegal and contrary to the various G.Os., issued by the Government.

A counter affidavit has been filed by the second respondent. The first respondent has not filed any counter. According to the second respondent, the then Executive Officer of the temple addressed a letter to the first respondent seeking ratification of the appointment of the petitioner. The said letter was pending before the first respondent till 31-05-1997. Subsequently, the first respondent rejected the ratification of the petitioner's appointment by proceedings Rc.No.A4/6906/93 dated 18-07-1998. In view of the said proceedings of the first respondent/the 2nd respondent had issued the impugned proceedings. It is admitted that even by the time of filing of writ petition, the petitioner had put in five and half years of service. The rejection of ratification came only on 18-07-1998.

A perusal of the said order dated 18-07-1998 of the first respondent reveals no reasons except saying that the action of the second respondent appointing the petitioner on medical invalidation grounds was not ratified since the appointment so made was against the Governmental orders. No details were furnished in the said order dated 18-07-1998 as to what exactly was the reason for which the ratification was declined.

At the time of admission of the writ petition, an interim order was passed suspending the impugned proceedings dated 28-08-1998 of the second respondent. As such, the petitioner is continuing as an Attender as on date. Thus, the petitioner has completed about eleven and half years of service. It is not the case of the respondents that there was no scheme available for making compassionate appointments. They only say that the appointment of the petitioner was contrary to the G.Os., But, no reasons were furnished either in the counter by the second respondent or in the order dated 18-07-1998 passed by the first respondent. Further, the first respondent has not filed any counter. Under these circumstances, since the petitioner has completed more than eleven and half years of service and no case is made out for not ratifying the appointment of the petitioner except saying that it was against the G.Os., I am of the considered opinion that the impugned order does not stand to the scrutiny of law. The petitioner has completed more than eleven and half years of service and on frivolous grounds the impugned orders cannot be passed. It

is not the case of the respondents that the petitioner was not suitable for the post he was appointed or he is not able to discharge his duties properly.

Accordingly, the writ petition is allowed and the impugned order is set aside. No costs.

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27-07-2004

vs/rns

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devender Gupta, the Chief Justice on this Tuesday the Twenty Seventh Day of July Two Thousand and Four.

To

1. The Commissioner,

Endowments Department,

Andhra Pradesh, Tilak Road,

Hyderabad.

2. The Executive Officer,

Sri Raja Rajeswara Swamy

Devasthanam, Vemulavada,

Karimnagar District.

3. Two CCs to the G.P for Endowments, High Court of A.P.,

Hyderabad. (O.U.T).

4. Two CD copies.